

# DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

## PROPOSED TEXT

AMEND TITLE 13, CALIFORNIA CODE OF REGULATIONS  
DIVISION 2, CHAPTER 6.5, ARTICLE 8, SECTIONS 1268 AND 1270.3

### Farm Labor Vehicle Passenger Seating (CHP-R-10-02)

*Existing text:* .....Times New Roman 12 point font.  
*Additions* .....Times New Roman 12 point font with single underline.  
*Deletions:* .....~~Times New Roman 12 point font with bold strikethrough.~~

#### Article 8. General Equipment Requirements

#### TITLE 13. - California Code of Regulations Chapter 6.5. Motor Carrier Safety Article 8

##### (1) Section 1268 is amended to read:

§Buses (except school buses and buses operated by law enforcement agencies to transport prisoners) and all farm labor ~~trucks~~ vehicles shall be equipped with emergency exits as follows:

(a) September 1, 1973, and Later--Every Type 1 bus manufactured on or after September 1, 1973, shall comply with the Federal Motor Vehicle Standard 217 applicable at the time of manufacture.

(b) Before September 1973--Every Type 1 bus manufactured before September 1, 1973, shall be equipped with at least one of the following:

(1) An emergency door on the left side to the rear of the driver's seat

(2) An emergency door at the rear center of the bus

(3) Escape windows of the push-out type

(c) Type 2 Bus--Every Type 2 bus shall be equipped with at least one emergency door or push-out escape window either at the rear of the bus or on each side, to the rear of the driver's seat.

(d) Federal Standard--Buses equipped with emergency exits conforming to FMVSS 217 are deemed in compliance with this section.

(e) Exemption--Any bus in service within single or adjoining municipalities or business or residential districts adjacent to and commercially part of such municipalities is exempt from emergency exit requirements when equipped with a door next to each passenger seat or (in addition to the front entrance) an exit door that can be easily opened by a passenger in an emergency. Open air type buses shall be deemed in compliance with this subsection if the side

enclosures do not exceed 50 in. in height measured from the vehicle floor and the open area meets the emergency exit size and location requirements in FMVSS 217 for buses of 10,000 GVWR or less.

(f) Specifications for Emergency Doors--Every emergency door shall have:

- (1) An opening from the floor to the top of the window line or higher and at least 24 in. wide
- (2) A latch that can be readily opened by a passenger in an emergency
- (3) On buses (other than farm labor vehicles) a warning device that is not directly connected with any lighting circuit and will actuate, when the door is unlatched, either an audible signal or an easily seen red light on the instrument panel
- (4) A sign reading "Emergency Door" on the interior of each emergency door or center exit door used in lieu thereof, except that farm labor vehicles shall have signs reading "Emergency Exit" on the exterior and interior of emergency exits printed in English and the language of the workers being transported

(g) Emergency Exit Locking Device. Every emergency exit locking device shall be designed and installed in such a manner that it cannot move to a locked condition as a result of vehicle vibration, vehicle movement or other unintentional causes.

(h) Farm Labor ~~Truck~~ Vehicle Emergency Exits--Every farm labor vehicle with side enclosures more than 50 in. high, or with clearance of less than 30 in. between the upper edge of the side enclosures and the top, or with vertical roof supports less than 30 in. apart shall have an emergency exit remote from the entrance. Vehicles conforming with emergency exit requirements of subsection (f) of this section shall be deemed in compliance.

(1) Size of Door Opening. Farm labor vehicle emergency exit doors shall have an opening at least 7 sq ft in area and 2 ft wide. They shall be operable from both the interior and exterior of the vehicle. Single-panel hinged side doors shall be hinged on the front edge.

(2) Aisle Space. Farm labor vehicle aisle space shall be sufficient to permit rapid movement or unloading of passengers in event of an emergency. In no event, shall an aisle or other access to any emergency exit be blocked by baggage or other obstacles.

Note: Authority and reference cited: Sections 322, 31401, 34501 and 34501.5, Vehicle Code.

## **(2) Section 1270.3 is amended to read:**

(a) Farm Labor Vehicle Passenger Seats. Seating accommodations for each passenger shall provide a space with ~~a depth of at least 10 inches, a width of at least 15 inches. , and a height (measured from the floor) of 15-19 inches for the seat and at least 32 inches for the top of the back of the seat. Aisles between facing seats shall be at least 24 inches wide. Headroom, measured from the ceiling to the top of the cushion at least 7 inches from the interior side wall, shall be at least 37 inches (except for seats installed by the original chassis manufacturer). The passenger compartment of every farm labor vehicle shall be enclosed to a height of at least 46 inches or equipped with other equally effective means to prevent passengers from falling off the vehicle.~~ Farm labor vehicle seat frames and backs shall be rigidly constructed and maintained to ensure structural safety and resistance to displacement of any component in the event of an accident. For the sole purpose of establishing passenger capacity, weight per passenger and driver shall be calculated at 150 pounds.

~~(1) Each seat cushion shall be fastened to the seat frame by not less than two positive locking devices at the front or rear of the cushion.~~ Originally installed passenger seating, seat frame assemblies, and mounting hardware installed either forward facing, rear facing, or side facing, or any combination thereof, pursuant to FMVSS 571.207, shall be deemed in compliance with Section 31406 of the California Vehicle Code.

~~(2) Seats shall be secured to the vehicle by bolts at least 1/4 inch in diameter, uniformly spaced, and Grade 5 or better. Bolts shall meet the requirements of SAE Standard J429 (SAE Handbook, 1965 edition or later).~~ Passenger seat retrofitting in a farm labor vehicle, must be certified to be in compliance with FMVSS 571.207, and shall be performed by either a Original Equipment Manufacturer (OEM) or First Stage Manufacturer; Intermediate Stage Manufacturer (ISM); or a Final Stage Manufacturer (FSM), as defined in Title 49 CFR Part 567.

~~(3) Bolts shall be equipped with flat metal washers at least 1/16 inch thick and 1 1/4 inch in diameter or better. Bolts shall be secured by lock washers and nuts or self-locking nuts.~~ Interchangeable OEM seating assembly mountings and hardware and the OEM specific structurally installed hardware receiver mountings shall not be altered or modified in any manner to fit any seats or seating assemblies except as provided in (a)(3).

~~(4) Not less than four fasteners shall be used to secure each one- to three-passenger seat; at least six fasteners shall secure each four- to six-passenger seat, and at least two fasteners shall secure each additional 54 inches of linear seating space.~~ As used in this section the term "modification" does not include the re-upholstering of any OEM installed or constructed seat.

~~(5) Where vehicle design precludes the use of bolts, nuts, and washers, an alternate securement method may be used only if its strength equals or exceeds the fasteners specified in this section.~~ Buses manufactured in compliance with FMVSS 222 shall be deemed in compliance with this section.

~~(6)~~

(b) Seatbelt Installation. Seatbelts required by this section shall conform to the specifications set forth in Section 571.209 of Title 49 of the Code of Federal Regulations, and shall be anchored to the vehicle in a manner that conforms to the specifications of Section 571.210 of Title 49 of the Code of Federal Regulations.

(1) Each passenger shall be provided with a separate seatbelt assembly. Passengers may not share a seatbelt. The seatbelt shall bear across the ~~hip bones~~ pelvis of the passenger and pull rearward and downward with respect to the passenger.

(A) The belts shall not be mounted such that the anchorage points are located forward of the seatbelt buckle with respect to the seat facing position when secured. Anchorage points shall be spaced so that the seatbelt forms a "U" shaped loop when in use. In no case may both ends of one the same seatbelt assembly be fastened or connected to the same securement point. This would not prohibit two separate seating seatbelt assembly anchorage points from being fastened or connected to the same securement point.

(B) Each seating position with the aftermarket seatbelt assembly, in a farm labor vehicle and mounted to the floor or bed area, shall ensure each position's seatbelt strap length is equal in length measured from the floor or bed area to the top of the seat cushion.

(C) Seatbelt anchorage points shall not be mounted in a Type 2 bus to a interior wheel well raised, formed area, or to a entry step area, or at a 90 degree angle on a step kick plate, or to any structural body supports unless those anchorage points conform to the requirements contained in FMVSS 571.210.

(2) Belts shall be sufficiently adjustable ~~enough so to ensure~~ they fasten securely and fit snugly against the passenger.

(3) Seatbelts shall be manufactured by a manufacturer registered with the National Highway Traffic Safety Administration and specifically intended for automotive safety belt applications, and shall not be improvised.

(4) Seatbelt webbing shall be sewn to attaching plates or threaded through slots in the plates. Seatbelts shall not be secured by bolts piercing or extending through the webbing. Seatbelt threading and stitching shall be in compliance with the requirements of FMVSS 571.209.

(5) New or used seatbelts may be installed provided they are in good condition, without excessive wear or damage, and are installed properly. Webbing material with cuts on the edges, fraying, or which display evidence of impact stretching or other damage, other than stains or other cosmetic damage, shall be deemed not to be in "good condition."

(6) New seatbelts shall be installed according to the installation instructions furnished by the manufacturer.

(A) For vehicles originally designed to transport passengers, seatbelts shall be installed in a manner equivalent to the original factory configuration.

(B) Notwithstanding (b)(9), For vehicles buses, as defined in 233(a) of the California Vehicle Code, not originally equipped with seat belts which are now designed, used, or maintained as farm labor vehicles, designed to transport passengers or using seats fabricated by a person other than the vehicle manufacturer, shall have the seatbelts ~~shall be attached to a sturdy metal portion of~~ mounted to the vehicle's body, floor or bed or frame with bolts, lock washers, nuts and washers or reinforcement plates.

(i) Washer or reinforcement plate sizes shall be adjusted as necessary to prevent significant deflection of the floor or other attachment points when the belt is pulled firmly with ordinary human strength.

(7) At a minimum, seatbelt securement bolts shall be 7/16 inch fine thread or 1/2 inch coarse thread, or metric equivalent, unless otherwise specified by the manufacturer. Use of sheet metal screws is not acceptable.

(8) Seatbelts attached to the ~~body, bed, floor or other sheet metal~~ floor or bed shall be installed with the bolts mounted vertically. , using either reinforcement plates or flat washers below or behind the sheet metal Mounting bolts shall have a minimum manufactured grade 5 ASE Standard, or equivalent rating. The seatbelt mounting hardware bolts, protruding through the floor or bed of the farm labor vehicle, shall be secured with either reinforcement plates or flat washers and a lock washer with the appropriate threaded and sized nut, or reinforcement plates or flat washers and the appropriate threaded and sized self locking nut. Reinforcement plates shall be at least 2 inches by 2 inches square, flat washers shall be at least 2-1/4 inches diameter. Both shall be at least 1/16 inch thick and shall not have any sharp edges.

(9) Seatbelts shall not be secured to passenger seats unless the entire seat, seatbelt and seatbelt anchorage assembly is manufactured in conformance with FMVSS requirements. Such seats shall be secured to the floor in conformance with the manufacturer's instructions. ~~If the manufacturer's instructions are not available, such seats shall be installed using the largest bolts that will fit through the original factory seat frame to vehicle mounting holes, and shall be equipped with sturdy reinforcing plates under the floor.~~ Original factory mounting holes in seat frames shall not be enlarged to accept larger bolts.

(10) Seatbelts shall not be secured to an existing passenger seat unless ~~the seat was originally designed to serve as the anchorage for seat belts by a manufacturer registered with the National Highway Traffic Safety Administration, and~~ the seat was originally installed by the ~~vehicle OEM manufacturer or pursuant to (a)(3) or in a manner equivalent to the manufacturer's original factory installation~~ and the seat assembly is in compliance with FMVSS 571.207 and 571.210. as specified by the seat manufacturer.

(c) Maintenance of Seatbelts and Anchorages. The operator of a farm labor vehicle shall maintain all seatbelt assemblies and seatbelt assembly anchorages required under this section in good working order for the use of the driver and all passengers.

(d) Operation. Except as provided in 31405 VC, no person may operate a farm labor vehicle on a highway unless that person and all passengers are properly restrained by seatbelt assemblies that conform to this section. Regardless of the passenger capacity calculated pursuant to subsection (a) and indicated on the inspection approval certificate issued pursuant to Section 1231 and on the farm labor vehicle notice pursuant to Section 1256(d)(2), no more passengers shall be transported than the number of properly functioning seatbelts available for use by the driver and passengers.

(e) Derating of Passenger Capacity. Except as provided in subsection (d), passenger capacity shall be determined by the number of seating positions, not by the number of seatbelts. A farm labor vehicle presented for inspection with fewer seatbelts than passenger seating positions shall not be certified by the department until seating positions are removed or seatbelts added to provide a seatbelt for each installed seating position. The department shall not reduce the designated passenger capacity indicated on the inspection approval certificate to any number less than the actual number of seating positions to compensate for missing or defective seatbelts.

Note: Authority cited: Section 31401.5, Vehicle Code. Reference: Sections 27315, 31401 and 31401.5, 31406 Vehicle Code.